

567—215.4(455B) Plans for removal, collection, and recovery of mercury-added vehicle switches.

215.4(1) By September 30, 2006, each manufacturer of vehicles sold in this state shall, individually or as part of a group, develop and publish a plan for a system to remove, collect, and recover mercury-added switches from end-of-life vehicles that were manufactured by the manufacturer. Publication shall be in accordance with 2006 Iowa Acts, House File 2362, section 8(2), and subrule 215.6(2).

215.4(2) The manufacturer shall implement a system to remove, collect, and recover mercury-added switches from end-of-life vehicles within 90 days of publication of the plan. The system developed and implemented pursuant to this rule shall provide, at a minimum, all of the following:

a. Educational materials to inform the public and other stakeholders about the purpose of the collection program and how to participate in the program.

b. A method for implementing, operating, maintaining, and monitoring the system, in accordance with subrule 215.4(6). This may include the use of third-party contractors that are qualified and fully insured to perform these tasks.

c. Information about mercury-added switches identifying all of the following:

(1) The make, model, and year of vehicles potentially containing mercury-added switches.

(2) A description of the mercury-added switches.

(3) The location of the mercury-added switches.

(4) Safe, cost-effective, and environmentally sound methods for the removal of mercury-added switches from end-of-life vehicles.

d. A method to arrange and pay for the transportation of the collected mercury-added switches to permitted facilities.

e. A method to arrange and pay for the recycling of the mercury-added switches.

f. A method to track participation and publish the progress of the mercury-added switch collection in accordance with subrule 215.6(2).

g. A database of participating vehicle recyclers, including all of the following:

(1) Documentation that the vehicle recycler joined the program.

(2) Records of all submissions by a vehicle recycler of any information required pursuant to 215.4(2) “f.”

(3) Confirmation that the vehicle recycler has submitted mercury-added switches at least every 12 months since joining the program.

h. A target mercury-added switch capture rate for vehicles manufactured by the manufacturer of 90 percent. A description of additional or alternative actions that shall be implemented by the manufacturer to improve the system and its operation in the event that the target capture rate is not met shall be published with the required tracking information no less than annually.

i. The system shall not include inaccessible mercury-added switches from end-of-life vehicles with significant damage to the vehicle in the area surrounding the mercury-added switch location. All accessible mercury-added switches are expected to be collected under the provisions of this division.

215.4(3) In developing a removal, collection, and recovery system for end-of-life vehicles, a manufacturer shall, to the extent practicable, utilize the existing end-of-life vehicle recycling infrastructure.

215.4(4) If the commission determines that the manufacturer’s plan for a system to remove, collect, and recover mercury-added switches from end-of-life vehicles does not comply with this chapter, the commission may require the manufacturer to make any necessary modification to the plan.

215.4(5) On July 1, 2020, the commission shall cease enforcement of the removal, collection, and recovery plans under this chapter. On or before July 1, 2020, the commission shall review the mercury-added switch removal, collection, and recovery provisions and submit a recommendation to the general assembly regarding the necessity of continuing the enforcement of the removal, collection, and recovery plans.

215.4(6) The total cost of the removal, collection, and recovery system for mercury-added switches shall be paid by the manufacturer. Costs shall include but not be limited to all of the following:

a. Labor to remove mercury-added switches. Labor shall be reimbursed at a minimum rate of \$4 per mercury-added switch removed or, if the vehicle identification number of the source vehicle is required for reimbursement, at a minimum rate of \$5.

b. Training.

c. Packaging in which to transport mercury-added switches to recycling, storage, or disposal facilities.

d. Shipping of mercury-added switches to recycling, storage, or disposal facilities.

e. Recycling, storage, or disposal of mercury-added switches.

f. Public education materials and presentations.

g. Maintenance of all appropriate systems and procedures to protect the environment from mercury contamination from collected mercury-added switches.

215.4(7) A vehicle recycler that performs as required under a removal, collection, and recovery plan shall be afforded the protections provided in Iowa Code section 613.18.